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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,695	01/10/2002	Rotem Cooper	010110	7705
23696	7590	09/26/2005	EXAMINER	
Qualcomm, NC 5775 Morehouse Drive San Diego, CA 92121			IQBAL, KHAWAR	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/043,695	COOPER, ROTEM	
	Examiner	Art Unit	
	Khawar Iqbal	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-21 are rejected under 35 U.S.C. 102(a) as being unpatentable by La Medica, Jr. et al (6625451).

3. Regarding claim 1 Medica, Jr. et al teaches in a mobile station including a preferred roaming list, a system acquisition procedure comprising the steps of (fig. 6):

maintaining a list of unusable (PRL-Non Preferred) wireless communications systems, each entry of a wireless communication system in the list of unusable wireless communications systems including a system identifier and corresponding avoidance criterion (set time period or until completion of one call then exits) (col. 18, lines 30-65, col. 20, lines 27-45);

selecting a wireless communications system from the preferred roaming list of wireless communication system in accordance with a predetermined system acquisition sequence, each entry of a wireless communication system in the preferred roaming list including system identifier (col. 17, lines 21-50, col. 19, lines 10-35);

attempting to acquire and register with the selected wireless communications system when the selected wireless communication system is determined to be a useable wireless communication system ("SID" that matches an identifier of a preferred system stored in PRL memory of the handset) (col. 17, lines 21-50, col. 19, lines 10-35);

repeating the step of selecting when the selected communication system is determined to be an unusable wireless communication system (col. 18, lines 30-65, col. 20, lines 27-45, col. 19, lines 10-25);

wherein the selected wireless communications system is determined to be an unusable wireless communication system when a system identifier for the selected wireless communication matches a system identifier in the list of unusable wireless communications systems and when avoidance criterion corresponding to the system identifier in the list of unusable wireless communication system is satisfied (col. 18, lines 30-65, col. 20, lines 27-45).

Regarding claim 12 Medica, Jr. et al teaches in a mobile station, a method for marking wireless communications systems as unusable wireless communications systems comprising the steps of (fig. 6):

maintaining a list of unusable wireless communications systems, each entry of a wireless communications systems in the list of unusable wireless communications systems including a system identifier and corresponding avoidance criterion (col. 17, line 13-col. 18, line 13, col. 19, lines 10-35); detecting a communications failure associated with a currently selected wireless communications system (col. 17, line 13-col. 18, line 13, col. 19, lines 10-35); and

adding a record to the stored list of unusable wireless communications systems, the added record including an identifier of the currently selected wireless communications system and corresponding avoidance criterion based on the detected communications failure, wherein the currently selected wireless communications system is unusable while the corresponding avoidance criterion is satisfied (col. 17, line 13-col. 18, line 65, col. 19, lines 10-35).

Regarding claim 17 Medica, Jr. et al teaches a mobile station comprising (figs. 1-6):

a memory storing a preferred roaming list of wireless communications systems, the preferred roaming list including a first plurality of system identifiers and corresponding acquisition parameters for corresponding unusable wireless communications systems (col. 18, lines 30-65, col. 20, lines 27-45); and

processing circuitry adapted to create and maintain a list of unusable wireless communications systems, the list of unusable wireless communications systems being stored in the memory and including a second plurality of system identifiers and corresponding avoidance criterion for corresponding unusable wireless communications systems,

wherein a selected wireless communications system from the preferred roaming list is determined to be an unusable wireless communications systems when a system identifier for the selected wireless communication system matches a system identifier in the list of unusable systems and the avoidance criterion corresponding the system

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identifier in the list of unusable wireless communication system is satisfied (col. 18, lines 30-65, col. 20, lines 27-45).

Regarding claim 2 Medica, Jr. et al teaches wherein each system identifier identifies at least one wireless communications system (col. 17, line 13-col. 18, line 13, col. 19, lines 10-35).

Regarding claim 3 Medica, Jr. et al teaches wherein each wireless system identifier includes a frequency (col. 15, lines 53-65, col. 17, line 13-col. 18, line 13, col. 19, lines 10-35).

Regarding claim 4 Medica, Jr. et al teaches wherein each wireless system identifier includes a SID/NID pair that uniquely identifies a wireless communications system (identifies foreign wireless communication systems is NID) (col. 15, lines 53-65).

Regarding claim 5 Medica, Jr. et al teaches detecting a communications failure with a wireless communications system and adding a new entry to the list of unusable wireless communications systems, the new entry including an identifier of the failed wireless communications system and corresponding avoidance criterion (col. 17, line 13-col. 18, line 13, col. 19, lines 10-35).

Regarding claim 6 Medica, Jr. et al teaches assigning an avoidance duration to the detected system failure and calculating an avoidance time before which the failed wireless communications system is unusable, the avoidance time equal to a current time plus the avoidance duration, wherein the avoidance criterion includes the avoidance time (col. 18, lines 30-65).

Regarding claim 7 Medica, Jr. et al teaches wherein the avoidance criterion is satisfied if the stored avoidance time is greater than the current time (col. 18, lines 30-65).

Regarding claim 8 Medica, Jr. et al teaches maintaining a list of detectable wireless communications failures, each detectable wireless communications failure having a corresponding avoidance duration; locating the detected system failure in the list of wireless communications failures; and using the corresponding avoidance duration in the step of calculating (col. 17, line 13-col. 18, line 65, col. 19, lines 10-35).

Regarding claim 9 Medica, Jr. et al teaches wherein the step of detecting includes the step of detecting failed attempts to acquire and register with the selected wireless communications system (col. 17, line 13-col. 18, line 13, col. 19, lines 10-35).

Regarding claim 10 Medica, Jr. et al teaches wherein the steps of selecting and attempting are repeated until the mobile device successfully acquires and registers with the selected wireless communication (col. 17, line 13-col. 18, line 13, col. 19, lines 10-35).

Regarding claim 11 Medica, Jr. et al teaches wherein the wireless communications systems are selected from the preferred systems list in a predetermined order of desirability (col. 17, line 13-col. 18, line 13, col. 19, lines 10-35).

Regarding claim 13 Medica, Jr. et al teaches wherein each system identifier identifies at least one wireless communications system (col. 17, line 13-col. 18, line 13, col. 19, lines 10-35).

Regarding claim 14 Medica, Jr. et al teaches detecting a communications failure with a wireless communications system and adding a new entry to the list of unusable wireless communications systems, the new entry including an identifier of the failed wireless communications system and corresponding avoidance criterion (col. 17, line 13-col. 18, line 13, col. 19, lines 10-35).

Regarding claim 15 Medica, Jr. et al teaches assigning an avoidance duration to the detected system failure and calculating an avoidance time before which the failed wireless communications system is unusable, the avoidance time equal to a current time plus the avoidance duration, wherein the avoidance criterion includes the avoidance time (col. 18, lines 30-65).

Regarding claim 16 Medica, Jr. et al teaches wherein the avoidance criterion is satisfied if the stored avoidance time is greater than the current time (col. 18, lines 30-65).

Regarding claim 18 Medica, Jr. et al teaches detecting a communications failure with a wireless communications system and adding a new entry to the list of unusable wireless communications systems, the new entry including an identifier of the failed wireless communications system and corresponding avoidance criterion (col. 17, line 13-col. 18, line 13, col. 19, lines 10-35).

Regarding claim 19 Medica, Jr. et al teaches assigning an avoidance duration to the detected system failure and calculating an avoidance time before which the failed wireless communications system is unusable, the avoidance time equal to a current

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time plus the avoidance duration, wherein the avoidance criterion includes the avoidance time (col. 18, lines 30-65).

Regarding claim 20 Medica, Jr. et al teaches maintaining a list of detectable wireless communications failures, each detectable wireless communications failure having a corresponding avoidance duration; locating the detected system failure in the list of wireless communications failures; and using the corresponding avoidance duration in the step of calculating (col. 17, line 13-col. 18, line 65, col. 19, lines 10-35).

Regarding claim 21 Medica, Jr. et al teaches wherein processing circuitry is further adapted to delete an entry from the list of unusable communications system when the corresponding avoidance time is than the current time (col. 17, line 13-col. 18, line 65, col. 19, lines 10-35).

Response to Arguments

4. Applicant's arguments filed 8-22-05 have been fully considered but they are not persuasive. Examiner has thoroughly reviewed applicant's arguments but firmly believes the cited reference to reasonably and properly meets the claimed limitations. Applicant argument was directed to the limitations that "maintaining a list of unusable wireless communications systems" and an "avoidance criterion". In response, examiner would like to point out that Medica, Jr. et al teaches when the user selects the **PRL-Non Preferred mode (unusable system)**, the station 3 enters this mode for a **finite time**. The only exception to the system selection process relates to emergency call processing. If the mobile telephone is currently in a NO Service condition, the station 3 will still check for the home system and systems on the PRL list, if the home and PRL

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list scanning operations fail or not match to detect a SID for an acceptable system (usable system), the microprocessor looks for the event following a lock to a non-preferred system (unusable system). Preferably, the microprocessor times the period of operation for this mode and detects any call activity while in this mode. The microprocessor allows the station to stay in this mode for only five minutes or for a single call. After the period or the end of the one call, the microprocessor resets the station to the PRL Only mode to initiate rescanning for preferred system (col. 18, lines 30-65, and col. 20, lines 27-45).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Khawar Iqbal whose telephone number is (571) 272-7909.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Khawar Iqbal


CHARLES APPIAH
PRIMARY EXAMINER